

APPLICANT(S): JAMES, William et al.  
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#### REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

#### Status of Claims

Claims 1-18 are pending in the application. Claims 8, 9, and 12 are withdrawn from consideration. Claims 15-17 have been objected to. Claims 1-4, 6, 7, and 13-17 have been rejected. Claims 1, 7, 10, 11, and 13-17 have been amended. Claim 19 has been added. Claim 5, has been cancelled.

Applicants respectfully assert that the amendments to the claims and the specification add no new matter.

#### Remarks to the Title

In the Office Action the Examiner objected to the Title because the title of the invention is not descriptive. In response, Applicants have amended the Title. Accordingly, Applicants request withdrawal of the objection.

#### Claim Objections

In the Office Action, the Examiner objected to claims 14-17 because of alleged informalities. Claims 7, and 13-17 have been amended in order to cure these informalities. Accordingly, Applicants request withdrawal of the objection.

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### CLAIM REJECTIONS

#### 35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 7, 13, and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7, and 13-17 have been amended to overcome the deficiencies noted by the Examiner. Specifically, Applicants, amended claims 7, and 13-17, and the specification to correct a typographical error and to comprise purine bases modified at the 2, 6, or 8 positions, and pyrimidine bases modified at the 5 or 6 position. Modifications of pyrimidines and purine bases also include 2' carbon ribose modifications with  $\text{NH}_2$ , F,  $\text{OCH}_3$ ,  $-\text{NH}_3$ ,  $\text{O}^6\text{-CH}_3$ ,  $\text{N}^6\text{-CH}_3$ , or  $\text{N}^2\text{-CH}_3$ .

Applicants respectfully assert that these deficiencies are of typographical nature. Moreover, it is well known in the art that pyrimidines comprise 6 positions whereas purines which contain fused pyrimidine and imidazole rings comprise 9 positions, thus one skilled in the art would know that (1) purine bases can be modified at the 2, 6, or 8 position of the purine ring, and pyrimidine bases can be modified at the 5 or 6 position of the pyrimidine ring with  $\text{CH}_3$ , I, Br, or Cl; and (2) modifications of both purine pyrimidines bases also include 2' carbon ribose modifications with  $\text{NH}_2$ , F,  $\text{OCH}_3$ ,  $-\text{NH}_3$ ,  $\text{O}^6\text{-CH}_3$ ,  $\text{N}^6\text{-CH}_3$ , or  $\text{N}^2\text{-CH}_3$ .

Thus, Applicants amendments render claims 7, and 13-17 proper under 35 USC 112 and request that the rejections be withdrawn.

#### 35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. § 102(b), as being anticipated by Buckheit et al, Wyatt et al., Ecker et al., and Maccjak et al.. Applicants respectfully disagree. However, in-order to expedite prosecution Applicants amended claim 1.

In the Office Action, the Examiner rejected claims 1-4, 6, 7, and 13-17 under 35 U.S.C. § 102(e), as being anticipated by Maccjak et al. evidenced by Usman et al.

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Applicants respectfully disagree. However, in-order to expedite prosecution Applicants amended claims 1, 10, 11, and 15-17.

In the Office Action the Examiner asserted that SEQ ID NO: 1 is free of Prior Art. The Examiner also asserted that claims 5, 10, 11, and 18 would be allowable if rewritten in independent form. Applicants cancelled claim 5 and amended independent claim 1.

Accordingly, Applicants respectfully assert that amended independent claims 1 is allowable. Claims 2-4, 6, 7, 10, 11, and 13-18 depend from, directly or indirectly from claim 1, and therefore include all the limitations of this claim. Therefore, Applicants respectfully assert that claims 2-4, 6, 7, 10, 11, and 13-18 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claim 1 and to claims 2-4, 6, 7, 10, 11, and 13-18 dependent thereon.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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